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**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION**

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**Lawrence L. Piersol, United States District Judge, Presiding**

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Courtroom Deputy – DJP  
Courtroom – SF #1

Court Reporter – Jill Connelly  
Date – October 4, 2012

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CIV. 04-4200

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Donald E. Moeller

Plaintiff,

vs.

Douglas Weber, Dennis Kaemingk, Does 1-20,

Defendants.

Scott Braden, Jennifer Molayem,  
Mark Marshall

Marty Jackley, Paul Swedlund,  
Sherri Sundem Wald

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TIME HEARING SCHEDULED TO BEGIN: 1:30 PM

TIME:

1:35 PM Enter hearing (evidentiary) before the Hon. Lawrence L. Piersol, United States District Judge, Sioux Falls, SD. Counsel state their appearances for the record. Donald Moeller and Warden Weber are also present.

Comments by the Court.

Attorney Braden objects to the Court's questioning of Mr. Moeller. Overruled.  
Attorney Marshall makes comments to the Court.

The Court questions Mr. Moeller. Statements by Mr. Moeller.

Response/argument by Attorney Braden.  
Response/argument by Attorney Jackley.  
Reply by Attorney Braden.  
Response/argument by Attorney Marshall.  
Statements by Mr. Moeller.

The Court will take the issue of the acceptance of the Stipulation for Dismissal under advisement.

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Attorney Braden requests an opportunity to make an offer of proof if the Court accepts the Stipulation for Dismissal. Response by Attorney Marshall.  
Comments by Attorney Jackley.

3:08 PM Court in recess.